



U.S. Department of Justice

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March 11, 2016

The Honorable Robert D. Mariani
United States District Judge
Middle District of Pennsylvania
William J. Nealon Federal Building
Scranton, Pennsylvania 18503

Re: *United States v. Efrain Rodriguez*, No. 15-CR-00203 (RDM)

Dear Judge Mariani:

I write concerning the sentencing hearing scheduled for defendant Efrain Rodriguez on March 15, 2016. Please accept this letter in lieu of a formal sentencing memorandum. As set forth in the Addendum to the defendant's Presentence Report ("PSR"), neither the government, nor the defendant has any objection to the information set forth in the PSR. (Doc. No. 23.) Accordingly, I write only to preview the government's position on defendant's forthcoming sentencing.

Mr. Rodriguez has an extensive criminal history, with over two dozen convictions over the course of the last 23 years. (PSR ¶¶ 22-40.) Indeed, even absent his career offender designation, the defendant would still have a criminal history category of VI. (PSR ¶¶ 43-44.) At the time of the instant offense, the defendant was an inmate at the United States Penitentiary Canaan, with a projected release date of February 9, 2017. (PSR ¶ 40.) Unfortunately, incarceration in a federal

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penitentiary has failed to halt his recurring participation in violent criminal activities.

On December 3, 2015, Mr. Rodriguez pleaded guilty to Count I of the Indictment, which charged him with assaulting and causing serious injury to another inmate. (PSR ¶¶ 1-2.) This is the second time that the defendant has been sanctioned for assaulting another inmate while incarcerated. (PSR ¶ 40.) But the severity of his most recent assault appears to go well beyond any of the defendant's prior acts of violence.

The defendant attacked his victim by slashing him across both sides of his face with a razor blade fashioned to a toothbrush. (PSR ¶ 4.) The assault resulted in gruesome wounds, *see* Attachments A and B,¹ which required extensive suturing. *See* Attachments C and D. The victim will have permanent scars as a result of the assault. *See* Attachments E and F. After the assault, Mr. Rodriguez disposed of the evidence of his crime by flushing his homemade weapon down a toilet; it was not recovered. (PSR ¶ 4.)

To be sure, Mr. Rodriguez appears to have lived a life of hardship from a very young age; one compounded by substance abuse and mental health issues. (PSR ¶¶ 61-65.) But the severity of his offense, the lifelong impact it will have on his victim, and the defendant's inability to extricate himself from a cyclical relationship with the criminal justice system, cannot be overlooked. Accordingly, and in consideration of the factors set forth in Title 18 United States Code § 3553(a), the government respectfully requests that the Court sentence Mr. Rodriguez within the range of 77 to 96 months set forth in the PSR, to run consecutive to his current term of imprisonment. (PSR ¶ 72.)

¹ In consideration of their nature, all attachments will be offered to the Court during Mr. Rodriguez's sentencing, instead of being filed on the docket.

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Respectfully submitted,

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/s/ Phillip J. Caraballo

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